

Appln. No. 09/856,371
Amd. dated November 19, 2004
Reply to Office Action of October 1, 2004

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 41 and 54-56 presently appear in this application and define patentable subject matter warranting their allowance.

Reconsideration and allowance are hereby respectfully solicited.

Claims 41 and 47 have been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 47 is cancelled and claim 41 is amended by the insertion of "isolated", thereby obviating this rejection.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 36, 41 and 47 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is obviated by the cancellation of claims 36 and 47 and the amendment to claim 41.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 36, 41 and 47 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that the specification, while being enabling for a polypeptide of SEQ ID

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NO:10, does not reasonably provide enablement for polypeptides having structure different from SEQ ID NO:10. This rejection is also obviated by the cancellation of claims 36 and 47 and the amendment to claim 41.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 36, 41, and 47 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the cancellation of claims 36 and 47 and the amendment to claim 41.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 36, 41 and 47 have been rejected under 35 U.S.C. §102(e) as being anticipated by Ruben et al. As modifications to SEQ ID NO:10 via substitution, deletion, insertion or addition are no longer recited, this rejection is obviated.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 41 has been rejected under 35 U.S.C. §102(b) as being anticipated by Leytus et al. Like the §102(e) rejection above, this rejection is obviated by the amendment to claim 41 to delete recitation of modifications to SEQ ID NO:10 via substitution, deletion, insertion or addition.

Appln. No. 09/856,371
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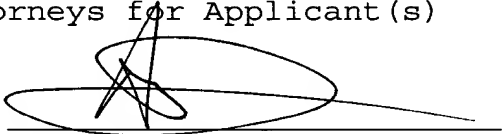
Reconsideration and withdrawal of the rejection are
therefore respectfully requested.

New dependent claims 54-56 are added to be separately
directed to subparts (a), (b), or (c) of claim 41.

In view of the above, the claims comply with 35 U.S.C.
§112 and define patentable subject matter warranting their
allowance. Favorable consideration and early allowance are
earnestly urged.

Respectfully submitted,

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